

FILED _____ ENTERED _____
LODGED _____ RECEIVED _____

CC TO JUDGE KN

B 19 2003 KN

AT SEATTLE
U.S. DISTRICT COURT
DISTRICT OF WASHINGTON
DEPUTY

Honorable Thomas S. Zilly

CV 02 01683 #00000013

ORIGINAL

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

VALVE, L L C , a Washington limited liability
company,

Plaintiff,

v

SIERRA ENTERTAINMENT, INC (AKA
SIERRA ON-LINE, INC), a Delaware
corporation,

Defendant

Civil Action No C02-1683Z

ANSWER TO COUNTERCLAIM

ANSWER

Plaintiff, Valve, L L.C ("Valve") answers Defendant Sierra Entertainment, Inc 's ("Sierra")
counterclaim as set forth below. Sierra's counterclaim begins at paragraph 19 of its Answer,
Counterclaim, and Jury Demand, therefore, Valve's answer to the counterclaim uses the same
paragraph numbers.

19 In answering paragraph 19, Valve admits that Sierra is seeking a declaratory judgment
pursuant to 28 U.S.C. § 2201(a) regarding the Software Publishing Agreement between the

ANSWER TO COUNTERCLAIM - 1

K136063100014UPHUPH_P21NS

PRESTON GATES & ELLIS LLP
925 FOURTH AVE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE (206) 623 7580
FACSIMILE (206) 623 7022

1 parties dated March 29, 2001, and its addenda

2 20 In answering paragraph 20, Valve admits that this Court has personal jurisdiction over it

3 21 In answering paragraph 21, Valve admits that this Court has subject matter jurisdiction over
4 declaratory judgment actions pursuant to 28 U S C § 1338(a) Valve, however, denies the
5 allegations of paragraph 21 to the extent that this Court, in its discretion, should dismiss
6 Sierra's declaratory judgment action as it is duplicative of Sierra's defenses asserted in
7 response to Valve's complaint for copyright infringement.

8 22 In answering paragraph 22, Valve admits that venue is proper in this Court

9 23 In answering paragraph 23, Valve admits that an actual case or controversy exists as to
10 Sierra's rights to manufacture, distribute, rent, lease, and license the Valve Games to internet
11 cafés within the United States, as Retail Packaged Product Valve, however, denies the
12 allegations of paragraph 23 to the extent that this Court, in its discretion, should dismiss
13 Sierra's declaratory judgment action as it is duplicative of Sierra's defenses asserted in
14 response to Valve's complaint for copyright infringement

15 24 In answering paragraph 24, Valve admits that an actual case or controversy exists as to
16 Sierra's rights to manufacture, distribute, rent, lease, and license the Valve Games to internet
17 cafés outside the United States, as Retail Packaged Product Valve, however, denies the
18 allegations of paragraph 24 to the extent that this Court, in its discretion, should dismiss
19 Sierra's declaratory judgment action as it is duplicative of Sierra's defenses asserted in
20 response to Valve's complaint for copyright infringement

21 25 In answering paragraph 25, Valve denies the allegations in their entirety

22 26 In answering paragraph 26, Valve denies the allegations in their entirety

23 27 In answering paragraph 27, Valve denies the allegations in their entirety

24 28. In answering paragraph 28, Valve denies the allegations in their entirety

25 29 In answering paragraph 29, Valve denies the allegations in their entirety

26

AFFIRMATIVE DEFENSES

30 Sierra's counterclaim fails to state a claim upon which relief can be granted

31 Sierra has acted outside the scope of the license contained in the Software Publishing
32 Agreement

32 This Court, in its discretion, should dismiss Sierra's declaratory judgment action as it is
33 duplicative of Sierra's defenses asserted in response to Valve's complaint for copyright
34 infringement

PRAYER FOR RELIEF

Having answered, Valve prays for the following relief.

A That this Court enter judgment in favor of Valve and against Sierra on all causes of action set
forth in Valve's Complaint and Sierra's Counterclaim

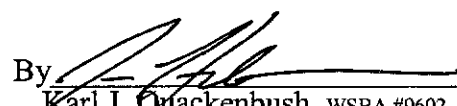
B That this Court, in its discretion, dismiss Sierra's declaratory judgment action as it is
duplicative of Sierra's defenses asserted in response to Valve's complaint for copyright
infringement.

C That this Court award relief, damages, costs, and attorney's fees to Valve as prayed for in
Valve's Complaint, and,

D That this Court award such further relief as it may deem just and proper

DATED this 19th day of February, 2003.

PRESTON GATES & ELLIS LLP

By 
Karl J. Quackenbush, WSBA #9602
Jason P. Holtman, WSBA #28233
Kristin J. Boraas, WSBA #32015
Attorneys for Plaintiff
Valve, L.L.C.

FILED ENTERED
LODGED RECEIVED

CC TO JUDGE KW

FEB 19 2003 KN

Honorable Thomas S Zilly

AT SEA TLL
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

ORIGINAL

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

VALVE, L L C , a Washington Limited
Liability Company,

Plaintiff,

v

SIERRA ENTERTAINMENT, INC. (AKA
SIERRA ON-LINE, INC), a Delaware
Corporation,

Defendant

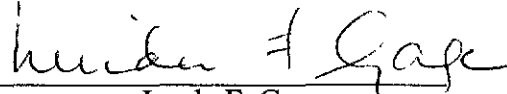
No C 02-1683Z

CERTIFICATE OF SERVICE

The undersigned declares, I am not a party to the above litigation, over the age of 21 years and qualified to make this declaration On the date below-written, I caused to be served the Answer to Counterclaim by legal messenger upon

F. Ross Boundy
Robert J Carlson
Mark P Walters
Christensen O'Connor Johnson Kindness
1420 Fifth Avenue, Suite 2800
Seattle, WA 98101-2347

DATED this 19th day of February, 2003.


Linda F Gage

CERTIFICATE OF SERVICE - 1

K:\36063\00014\JPH\JPH_P21NY

PRESTON GATES & ELLIS LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE (206) 623-7580
FACSIMILE (206) 623-7022